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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Combating intolerance, negative stereotyping, stigmatization of, discrimination, incitement to violence and violence against persons, based on religion or belief

Report of the United Nations High Commissioner for Human Rights*

Summary

The present report is submitted pursuant to Human Rights Council resolution 22/31, in which the Council requested the High Commissioner to prepare and submit at its twenty-fifth session, a report based upon information provided by States on the efforts and measures taken by them for the implementation of the action plan outlined in paragraphs 6 and 7 of the resolution, as well as their views on potential follow-up measures for further improvement of the implementation of that plan. The report provides a summary of the contributions received from States and draws some conclusions therefrom.

* Late submission.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 22/31 entitled "Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief", in which the Council requested, in paragraph 10, the High Commissioner for Human Rights to prepare and submit to the Human Rights Council, at its twenty-fifth session, a report based upon information provided by States on the efforts and measures taken by them for the implementation of the action plan outlined in paragraphs 6 and 7, as well as their views on potential follow-up measures for further improvement of the implementation of that plan.[1]

II. Information received from Member States

Belarus

2. Belarus stated that its policy in the sphere of confessional relations was regulated by the Law on Freedom of Conscience and Religious Organizations, which guaranteed equality and non-discrimination with respect to all religions before the law.

3. It added that the Law on Countering Extremism declared as punishable by law all the criminal acts listed in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. The Law on Political Parties and the Law on Non-Governmental Associations prohibited the creation and activity of political parties, non-governmental associations and unions intending to propagate war or extremism. The Law on Mass Media guaranteed the rights and freedoms in mass media and prohibited the dissemination of information containing incitement to war, violence and extremism. Those anti-discrimination measures were extended to all people living in the territory of Belarus.

4. With a view to making the implementation of the legislation effective and to support inter-confessional dialogue, it had undertaken the second programme on Development of the Confessional Sphere, National Relations and Compatriots' Cooperation for the period 2011 to 2015. The realization of the rights of freedom of conscience and freedom of religion and belief was under the competence of the Commissioner for Religions and Nationalities, with representatives in all regions of the country. The Inter-confessional Consultative Council coordinated the activity of religious organizations and promoted and consolidated peace for co-existence, tolerance and dialogue among representatives of the different confessions and religions.

5. More than 3,000 religious organizations, 26 confessions and religious groups, as well as over 3,000 religious communities and 164 religious organizations were registered in Belarus. Belarus reported about the absence of conflicts on the grounds of national, racial, cultural, linguistic and confessional affiliation.

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[1] The present report contains a summary of the information received from the following States: Belarus, Belgium, Canada, the Czech Republic, France, Georgia, Germany, Greece, Hungary, Indonesia, Iraq, Italy, Lithuania, Pakistan, Qatar, Romania, the Russian Federation, Saudi Arabia, Slovakia, Spain, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The original texts of the contributions can be consulted in the files of the Secretariat.

Belgium

6. Belgium reported that the Centre for Equal Opportunities had been mandated to promote equal opportunities and the fight against all forms of discrimination, exclusion, restriction or preference based on several enumerated grounds, including religion or belief.

7. The Centre was tasked with ensuring respect for the fundamental rights of foreigners and prepared annual reports on discrimination in Belgium. Racism and xenophobia were also monitored by the police and the judicial system, and the police and the Crown recorded data on discrimination and hate crimes, as well as made available statistics on policing, prosecution and conviction with respect to those phenomena. In addition, the Centre had the capacity to initiate legal claims and to be a civil party in its own name or on behalf of victims of anti-Semitism or Islamophobia. The Centre also organized intercultural dialogues, training and awareness-raising sessions.

8. With respect to the fight against Islamophobia, Belgium noted that it was difficult to assess the extent of this phenomenon, due to the lack of available data. Since 2009, the Centre had been providing estimates of Islamophobic acts in its annual reports. It also reported that in recent years, 490 cases (164 in 2011, 139 in 2010 and 187 in 2009) inspired by Islamophobic sentiment had been opened. A significant part of those records related to comments posted on the Internet, while others related to the professional context or problems of cohabitation motivated by Islamophobia.

9. Regarding the fight against anti-Semitism, in February 2012, the Ministers of Justice and of the Interior had established a unit to monitor anti-Semitism, which discussed building safe communities, teaching about the Holocaust, cyberhatred, anti-Semitic incidents and possible remedies.

10. Belgium highlighted several measures taken to implement education systems promoting tolerance of religious and cultural diversity.

Canada

11. Canada reported that it had a legal and policy framework in place to combat discrimination based on religion or belief, which included prohibitions in the Canadian Charter of Rights and Freedoms; the Canadian Multiculturalism Act; the Canadian Human Rights Act; the Citizenship Act; the Criminal Code; the Employment Equity Act; official languages legislation at the federal level and in some provinces and territories; and the Immigration and Refugee Protection Act. The Canadian Charter of Rights and Freedoms formed part of the Constitution of Canada and protected the freedom of conscience and religion of each individual. Section 15 of the Charter prohibited discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

12. Citizenship and Immigration Canada managed a programme that supported the Multiculturalism Act and developed activities, including funding projects and events for non-governmental organizations, to promote diversity and intercultural/interfaith understanding.

13. The Criminal Code prohibited, inter alia, inciting hatred against an identifiable group by communicating in a public place statements which were likely to lead to a breach of the peace (subsection 319(1)) and communicating statements which included words spoken or written or recorded electronically or electromagnetically or otherwise and gestures, signs or other visible representations, other than in private conversation, to wilfully promote hatred against an identifiable group (subsection 319(2)). The Broadcasting

Act permited the Canadian Radio-television and Telecommunications Commission to regulate the content of radio and television programs.

14. In February 2013, the Government of Canada had established the Office of Religious Freedom which was mandated to promote freedom of religion or belief as a core human right, encourage protection of religious communities and promote Canadian values of pluralism and tolerance around the world. Canada's Ambassador for Religious Freedom engaged in consultations with international stakeholders and delivered speeches at various events.

Czech Republic

15. The Czech Republic indicated that the Government Council for Human Rights included experts on religious freedom and had set up a subsidiary Committee against Discrimination to address discrimination on all grounds, including religion, faith or belief. The issue of religious tolerance fell within the competence of the Churches Department of the Ministry of Culture. In 2012, financial subsidy had been granted to support a festival bringing together Christians, Jews and Muslims to deepen and promote their mutual understanding and dialogue, and to raise public awareness as a way to counteract the spread of extremism.

16. The applicable constitutional legislation, the Charter of Fundamental Rights and Freedoms, and the international human rights instruments binding on the Czech Republic prohibited discrimination on the grounds of religion, faith or belief. They also safeguarded freedom of thought and conscience, religion, practice of a faith and religion, as well as the freedom of churches and religious societies. The Anti-Discrimination Act prohibited discrimination on the grounds of religion, faith or belief in several sectors.

17. Propaganda and attacks motivated by religious intolerance were crimes under Czech law. The new Criminal Code (2009) included "the definitions of crimes of violence against a group of population or against an individual, dangerous threats, dangerous persecution, defamation of a nation, race, ethnic or other groups of persons, and incitement to hatred for a group of persons or to actions restricting their rights and freedoms." In many other definitions of crimes, the presence of the element of religious intolerance automatically resulted in a heavier penalty in crimes. This element was also included in the list of general aggravating circumstances that attracted stricter penalties in any case.

18. To prevent the formation of groups promoting religious or other intolerance, the new Civil Code effective 1 January 2014 introduced a ban on the establishment of a legal person in cases where the purpose of such legal person was to deny or restrict individual, political or other rights of individuals because of their nationality, sex, race, origin, political or other opinion, religion and social status.

France

19. France stated that freedom of religion or belief was a fundamental human rights principle, which was guaranteed by French national law, reflected in article 10 of the Declaration of the Rights of Man and of the Citizen (Déclaration des droits de l'homme et du citoyen) (1789) and fully guaranteed by the French Constitution. Implementation of this principle at the national level was guided by strict respect for freedom of religion and secularism.

20. The Minister of the Interior was responsible for relations with religious associations and faith-based organizations, and individuals enjoyed freedom of worship. Religious

association were not required to register; however, some did register in order to benefit from fiscal advantages. With respect to paragraph 9 of resolution 22/31, where necessary, State authorities ensured the protection and security of places of worship.

21. In March 2013, the annex to the annual report on racism, anti-Semitism and xenophobia by the French National Consultative Commission on Human Rights (CNCDH) had highlighted, through facts and figures, a decrease in tolerance in France over the past three years. The report made recommendations concerning education, awareness-raising and training to combat discrimination and foster tolerance.

22. A National Observatory of Secularism had been created in April 2013 and the Minister of Education had also introduced a Secular Charter at the start of the school year in September 2013. Regarding paragraph 7(a) of the resolution, France stated that strict neutrality was applied by functionaries and public school establishments, which were required not to privilege any religion over another. With reference to paragraphs 6 (e), (f) and (g) of the resolution, it stated that acts against persons on the basis of their religion were severely punished by law, and had been firmly condemned by the highest authorities in France. The penal response of the State in this regard was very high. Incitement to hatred was also heavily sanctioned.

23. France stated that it universally defended freedom of religion or belief and freedom of opinion and expression. It recalled that human rights were envisaged to protect individuals, not belief systems such as religions and their symbols, which were not subjects of rights. In order to combat intolerance, the High Commissioner for Human Rights should support the implementation of freedom of opinion and expression as well as freedom of religion and belief in an "equal and simultaneous" manner.

Georgia

24. Under the auspices of the Public Defender of Georgia, the Council of Ethnic Minorities had been created in December 2005 with the main goals of responding in a timely manner in cases involving breaches of minority rights and/or the emergence of conflict situations and fostering consultation and dialogue between, inter alia, ethnic minorities and the Government. The Council of Religions had been created in June 2005 to, inter alia, facilitate constructive multilateral dialogue between various religious groups, engage religious minorities in the process of civil integration and protect religious freedom, etc.

25. The Action Plan of the Ministry of Justice, as a part of the National Concept for Tolerance and Civil Integration, included the elaboration of a comprehensive legal act on the issue of tolerance, undertaking measures aimed at the registration of the Roma population and the creation of an advisory body within the Ministry on questions of national minorities.

26. Prohibition of all forms of discrimination and intolerance was comprehensively regulated by the Constitution and other legal acts of Georgia. Under article 24.2 of the Criminal Code of Georgia (1999), in conjunction with all relevant crimes, a person could be brought to justice for instigating violence against representatives of any distinguishable group. Furthermore, in 2012, article 53 (General Principles of Sentencing) of the Code had been amended so that all relevant crimes committed on the grounds of racial, religious, national or ethnic intolerance or any other discriminating ground shall be considered to be committed in aggravated circumstances.

27. The Ministry of Justice had drafted a Law on Elimination of All Forms of Discrimination, with the purpose of eliminating all forms of discrimination and ensuring for

every person equal enjoyment of the rights prescribed by law, irrespective of a number of grounds, including religion or belief, and discrimination shall be prohibited in all spheres.

28. In July 2011, the Civil Code of Georgia had been amended and article 15091 had been added to allow the registration of religious groups as religious associations.

Germany

29. Germany reported that the Federal Government actively supported networking, democratic consciousness and participation, education and publication of civic engagement through the Forum against Racism; the Government-funded programme, "Cohesion through Participation"; the Federal Agency for Civic Education (Bundeszentrale für politische Bildung, BpB); and the Alliance for Democracy and Tolerance.

30. The Federal Ministry of the Interior, for many years, had successfully promoted Christian-Jewish cooperation, as well as interreligious and intercultural dialogue between Christians and Jews, and had, in recent years, extended the dialogue to a trialogue at the international level with Muslims. In 2006, the German Islam Conference had been launched to establish a permanent communication process between the German State (Federal Government, Federal Länder, municipalities) and the representatives of Muslims living in Germany, aimed at improving their structural and social integration and strengthening social cohesion (www.deutsche-islam-konferenz.de).

31. The police combated hate crime, including by systematically prosecuting hate crimes as offences against State security and recording them separately; cooperating with counselling bodies and supporting projects, associations and institutions providing assistance to victims, in an effort to encourage those seeking help to come forward; undertaking differentiated analysis of the number of cases nationally, in order to elaborate potential prevention measures; and cataloguing measures to combat politically motivated crime in order to perceive, record and combat relevant offences in a more targeted manner. The police took regular preventive measures, such as stepping up physical protection or police controls, with regard to especially vulnerable points, for example, Jewish cemeteries.

32. In 2011, the Federal Ministry of the Interior had launched the Security Partnership Initiative, a body comprised of representatives of the Federal Government, the Federal Länder, security authorities and Muslims, aimed at increasing public awareness of the problem of radicalization of young people, to initiate projects and to provide financial support to successful projects of the Muslim community and to security authorities, at the local level (www.initiative-sicherheitspartnerschaft.de).

Greece

33. Greece outlined the legislative framework as well as the measures and actions implemented by the Greek Ministry of Education and Religious Affairs, Culture and Sports. It noted that while article 3 of the Constitution recognized the Eastern Orthodox Church as the predominant religion, the Greek State had declared its commitment to protecting the religious freedom of all other religious aggregations and expressions (art. 13). It added that the constitutional provision of "dominant" religion does not mean or imply any reduction or restriction of religious freedom of other religions.

34. The dialogue between the State and ecclesiastical jurisdictions and religious communities was constitutionally guaranteed and regulated within the constitutional guarantee of religious freedom. Free choice in the organization and administration of every church and religious community was protected by the Constitution.

35. Principles of intercultural education had been included in the school curricula, and school books had been and continued to be revised. Further educational measures had been implemented, such as the prohibition of the distribution of leaflets, particularly those creating a negative image or defaming religion, belief or tradition; in compliance with international law, the functioning of schools for children of the Muslim minority in Thrace and the teaching of religious studies to Roman Catholic pupils in Cyclades; the recognition of religious holidays of Muslim and Roman Catholic students; and, the teaching of different religions around the world as part of the high school programme.

36. The Ministry of Education also provided for the appointment of teaching staff in the schools of the Jewish communities of Athens and Thessaloniki, in response to the communities' requests, as well as for the operation of the only public Jewish school in Larissa.

Hungary

37. Constitutional regulations governed freedom of religion and belief in Hungary. According to the Fundamental Law of Hungary, everyone had the right to the free selection or change of religion or other conviction and the freedom whereby everyone may or may not manifest, may practice or teach his or her religion or other conviction by performing religious actions or rituals or by other manners, whether individually or in common with others, in public or in private.

38. Those who followed the same doctrine could set up a religious community to practice their religion, in the organizational form specified in the Cardinal Act. The State and the religious communities worked separately; religious communities were independent. Nevertheless, the State and religious communities could cooperate to achieve the community objectives. The rules relevant to religious communities were provided in the Cardinal Act on Churches, which protected fundamental rights; defined the religious community as an umbrella concept for the organizational framework and included therein; "accepted churches" had public law status under the amended act (Cardinal Act on Churches).

39. If the stipulated conditions for recognition as an accepted church were met, the Minister forwarded the application to the National Assembly, which had, to date, recognized 32 religious communities as accepted churches. According to the fundamental law, other organizations which performed religious activities could use the name "church", which thus warranted the identity protection of these communities. Hungary reported that a determinative part of the rules formerly only applicable to the legal status of churches applied to all the religious communities, including organizations performing religious activities, granting them much greater autonomy than before.

40. The Government and the National Assembly of Hungary regularly spoke out against religious intolerance. Hungarian government bodies held regular dialogues not only with the accepted churches, but also with other interested religious communities.

Indonesia

41. The Government of Indonesia had conducted outreach activities among stakeholders within and outside the Government, including by disseminating Human Rights Council resolution 22/31 among members of the local committees of the Human Rights Action Plan at the provincial and district levels. It had also strengthened its national mechanisms, Forum Kerukunan Umat Beragama (FKUB) (Inter-religious Communication Forum), to identify potential conflict among different religious followers and provide conflict prevention and

mediation. Dialogue and consultation among national stakeholders had also been intensified. In cooperation with countries within a bilateral framework, Indonesia had held inter-faith dialogues to promote a culture of religious tolerance. Indonesia also reported that in November 2013, in cooperation with the Government of the United States of America, it had conducted a dialogue involving relevant stakeholders from both sides regarding the implementation of Council resolution 16/18.

42. Indonesia had enacted Law No. 11/2008 on Information and Electronic Transactions, which regulated the dissemination of information by a person with the intention to incite hatred and hostility of individuals and/or specific community groups based on ethnicity, religion, race and inter-group. The Penal Code was being revised to include criminalization of acts that disseminate statements of hostility that could lead to violence towards other persons or groups based on, inter alia, religion, race and ethnicity. A bill was being formulated to guarantee and enhance religious tolerance and also provide concrete and practical steps to resolve future conflicts between religious communities.

43. Indonesia was of the view that the issue of religious intolerance was transboundary and should be addressed collectively through cooperation among countries and relevant stakeholders. Indonesia believed that the existing Council resolutions should be further solidified and elaborated in order to serve as a robust foundation for advancing effective international cooperation to address issues of religious intolerance. It stated that a global joint effort was needed to formulate a solid common normative and operational framework for international cooperation to comprehensively address issues of religious intolerance, negative stereotyping and stigmatization, discrimination, incitement to violence and violence based on religion or belief.

Iraq

44. Iraq reported that article 2 of its Constitution guaranteed the protection of the Islamic identity of the Iraqi people and the right and freedom of all peoples to practice their religions. It added that, there was a variety of religions and branches of religion in Iraq (art. 3). The Constitution also forbade racial, terrorist or radical organizations, and under article 14, all Iraqis were equal before the law, regardless of race, ethnicity, colour, religion, branch of religion, conscience, opinion or socioeconomic status. Under article 37(2) of the Constitution, the State guaranteed the protection of individuals against enforced religious, intellectual or political opinion or belief; article 43(1) guaranteed to all, freedom of worship and belief, and the State protected freedom of worship as well as places of worship.

45. It added that national legislation reflected the international human rights conventions ratified by Iraq, including the International Convention on the Elimination of All Forms of Racial Discrimination, the Arab Charter on Human Rights and the International Convention on the Elimination of All Forms of Discrimination against Women. Iraq reported on its efforts to train government personnel, security officials, civilians and others to treat the public without discrimination. The Government also ensured freedom of worship and the celebration of feast days and holidays.

46. It reported that religious and racial minorities in Iraq were represented in politics and in the Parliament and Councils of the Government through a quota. The Government also allocated land and funds for the places of worship of all religions. Educational curricula at all levels reflected the ethnic and racial minorities of Iraq and the Government conducted promotional campaigns to foster and encourage tolerance among all people in Iraq. The Government was also undertaking conflict resolution and mediation in different communities and areas in Iraq.

Italy

47. On 20 June 2013, the Italian Ministry of Foreign Affairs had organized a conference entitled, Genocide Prevention and Responsibility to Protect: the United Nations Early Warning Mechanism, in which the Special Adviser to the Secretary-General on the Prevention of Genocide participated as keynote speaker. Italy was supporting the Office on Genocide Prevention and the Responsibility to Protect in updating its framework of analysis for genocide prevention, which had strengthened the relevance of sectarian violence as an indicator of danger of genocide and mass atrocities.

48. Italy reported that the International Development Law Organization (IDLO) was undertaking a database project on country legislation on freedom of religion or belief, designed to build high-quality, up-to-date empirical research and statistical analysis of national restrictions on the practice of religion and an online legal database of existing national legal frameworks on freedom of religion or belief worldwide. IDLO planned to work in close cooperation with the Office on Genocide Prevention and the Responsibility to Protect, selected research institutes, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other actors.

49. Italy stated that, in its view, there was a worldwide increase in acts of intolerance and violent attacks against persons belonging to religious groups and minorities, while at the same time, there was a rise in legal and de facto restrictions on religious freedom in many countries. It added that, in many countries, intolerance and violence directed against members of religious communities and minorities were increasingly inspired and executed by terrorist groups. Those activities should be contained and defeated through international cooperation, namely with the countries in which such events had occurred, as well as within international organizations.

Lithuania

50. Lithuania reported that it did not have a State religion and that Lithuanian legislation guaranteed unrestricted freedom of thought, conscience and religion to all persons. Persons belonging to national minorities had the right to profess any or no religion and perform religious or national observances in their mother tongue.

51. In Lithuania, the religious communities of the Orthodox, Old Believers, Sunni Muslims (Tartars), Jews, Greek Catholics and Karaites were considered traditional religious communities that formed part of the social, cultural and historical heritage of Lithuania, as set out in article 5 of the Law on Religious Communities and Associations. Article 6 of that Law stated that other religious associations may be granted State recognition as being a part of Lithuania's historical, spiritual and social heritage, provided that they enjoy support of the general public and that their teaching and rites were not contrary to the law and morality. To date, no ethnoconfessional community had approached the Seimas of the Republic of Lithuania for the status of State-recognized religious association.

52. Once registered, a religious association acquired legal personality; nevertheless, religious associations did not necessarily need to register to operate in Lithuania. Religious associations, both registered and non-registered, were not subject to any restrictions on their right to practice their religion or faith.

53. Lithuania highlighted a number of relevant training sessions and seminars held for judges, lawyers and other law enforcement officials between 2009 and 2012.

Pakistan

54. Pakistan outlined several articles of the Constitution, which, it stated, were in line with paragraph 6 of Human Rights Council resolution 22/31, including articles 15 to 20 guaranteeing freedom of movement, assembly, association, speech, to profess religion and manage institutions to every citizen; article 25 guaranteeing equal protection of the law to all citizens, irrespective of their religion, caste, gender or creed; article 33 whereby the State shall discourage parochial, racial, tribal, sectarian and provincial prejudices among the citizens; and article 36 guaranteeing the protection of minorities. It stated that the State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services.

55. Pakistan also explained that its domestic "blasphemy laws" originated from the colonial era with the purpose of ensuring law and order and preventing interreligious discord. It indicated that its purpose was not to discriminate against any religious community and that it applied equally to Muslims and non-Muslims.

56. The National Conference on Interfaith Harmony, held in February 2013, recommended, inter alia, the establishment of an Interfaith Dialogue Council; the replacement of the word minorities with "non-Muslims" for Pakistani Christians, Hindus and members of different religions; integration of interreligious dialogue and the teaching of peace in the educational curriculum; appropriate governmental measures to prevent misuse of blasphemy; tackling the root causes of terrorism, violence and intolerance; and increased media coverage of interfaith dialogue and peace programmes in the country. Pakistan added that, confronted by extremism and terrorism, particular focus was being placed on the education, deradicalization and skills development programmes.

57. Pakistan underlined the influential role of religious leaders in Pakistan, particularly in condemning acts of discrimination and incitement to hatred.

58. Regarding the implementation of the action plan, Pakistan stated that Council resolution 16/18 was a first step in the process and not an end in itself, as the heart of the issue was to determine a threshold between incitement to hatred and violence on the basis of religion on the one hand, and freedom of expression on the other. While the Istanbul Process and the series of workshops organized by OHCHR, which had culminated in the Rabat Plan of Action, had contributed to identifying some elements that might strengthen the implementation of the action plan, the issue of incitement to hatred remained largely unaddressed as clearly underlined by paragraph 6 (f) of the action plan, "adopting measures to criminalize incitement to violence based on religion or belief." Pakistan stated that OHCHR should work in collaboration with Member States towards a more institutional response to the issue of criminalization of hate speech.

Qatar

59. Qatari society was founded on the values and principles of Islam as reflected in the National Vision of Qatar 2030, which underlined tolerance, respect for others and rejection of violence and extremism. Qatar is a country of social cohesion and respect for the cultures of all peoples living in harmony in Qatar, despite different nationalities, cultures, ethnicities, religions and beliefs.

60. The Permanent Constitution of Qatar contained articles confirming the principles of equality between people and non-discrimination. In particular, article 18 stated that Qatari society was based on the principles of "justice, charity, liberty, morality and equality". All citizens were equal in rights and obligations before the law and there was a "right to equality and non-discrimination based on sex, origin, language and religion (articles 34 and

35). Freedom of worship was guaranteed to all in line with the law and within the limits of the general public order and morality, under article 50, and under article 52, every person legally resident was protected in their person and assets.

61. The national legislation of Qatar also contained articles and provisions rejecting all intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against persons based on religion or belief. Article 256 of the Criminal Code (2004) punished all acts and actions relating to incitement to: "denigrating or insulting the deity by any means; making insulting, disparaging or blasphemous remarks about the Koran; making insulting remarks about Islam or an Islamic ritual; defaming any of the revealed religions; insulting the prophet of a religion; or desecrating a place of worship of a revealed religion or any object found in that place".

62. Qatar National Vision 2030 included a pillar on social development inclusive of citizens and foreigners, and sought to establish a secure and stable society operating on the principles of justice, equality and the rule of law. Qatar acknowledged the efforts of the National Committee for Human Rights, the Ministry of Islamic Affairs and Civil Society, the Doha International Centre for Interfaith Dialogue and the Coalition of Cultures Committee in this regard, and outlined a number of conferences, activities and interfaith dialogues.

Romania

63. Romania reported that according to the provisions of Government Ordinance No. 137/2000, republished with new amendments, discrimination based on religion or belief should be considered a contravention of the Ordinance. Any injury to personal dignity based on religion or belief should also be considered a contravention and liable to sanction.

64. In 2012, the annual activity report of the National Council for Combating Discrimination indicated that five petitions had been made on the basis of religion, of which one concerned a declaration made about Muslim persons. In that case, the decision issued by the National Council established that the affirmations made in the media, were "aimed at reaching the Romanian public, brought about prejudice to a person's dignity and created a hostile, degrading atmosphere against the Arab community and Muslims."

65. With reference to paragraph 7(a) of resolution 22/31 regarding public functionaries, Romania reported that since 2011, the National Council for Combating Discrimination had enhanced training for magistrates, lawyers and mediators on the principles of equality and non-discrimination. Similar training had been extended to teachers and representatives of the Romanian Adoption Office.

66. Romania reported that the Audiovisual Law, regarding non-discrimination based on religion or belief, included, inter alia, provisions that: "audiovisual commercial communications shall not include any discrimination based on race, ethnic origin, nationality, religion, belief, disability, age or sexual orientation" (art. 29 (d)).

Russian Federation

67. The Russian Federation reported that the nation's leadership, foremost the President, the Government and the Federal Assembly of the Russian Federation, had undertaken specific legislative and preventative measures in order to resist the destructive activity of extremist organizations, their leaders and ideologists. Under Federal Law No. 3-FZ of 7 February 2011, police services had been entrusted to prevent, detect and eradicate extremist activity.

68. The main legal mechanisms for combating extremism in the Russian Federation had been established by the Federal Law No. 114-FZ of 25 July 2002, which defined "extremism" and envisaged administrative and criminal responsibilities for the commitment of such illegal acts.

69. The Interdepartmental Commission for Combating Extremism in the Russian Federation was created in accordance with Presidential Decree No. 988 of 26 July 2011, and headed by the Minister of the Interior. The Russian Federation stated that realization of joint programmes in order to prevent acts of extremism in youth communities and to educate about intolerance to manifestations of nationalism, religious extremism and xenophobia had been activated throughout the country.

70. Law enforcement officials, together with representatives of the religious confessions had undertaken joint initiatives in the field of teaching and education, with a view to preventing public order disturbances, violence and acts of vandalism on grounds of ideological, racial, national or religious hatred.

71. The Russian Federation also reported that, under the Presidential Decree No. 602 of 7 May 2012, a range of anticipatory educational and awareness-raising measures had been conducted focusing on preventing the involvement of national diasporas in ethnic and religious conflicts. It also provided a comprehensive list of legislative acts which regulated the issues pertaining to combating extremism.

Saudi Arabia

72. Saudi Arabia reported that it was a country which was Arabic and Islamic, and based on the Koran and the sharia, which rejected discrimination on the basis of religion and beliefs.

73. It reported that, on 7 December 2011, the Ministry for Muslim Affairs had presented a document to all imams and religious leaders in the country ordering that they address others with respect and that they not "demonize" or criticize other people, religions or branches of religion. Failure to comply with that order was met with a sanction, and people had been penalized pursuant to it. It added that over 29,900 seminars and 30 training sessions directed at 2,515 imams and religious leaders had taken place. Similar initiatives were also being carried out by the Ministry of Education in schools across the country, and teachers had been sanctioned for discriminatory behaviour. Saudi Arabia had signed an accord with the King Abdulaziz Center for World Culture in order to hold dialogues and train 40,000 imams to be increasingly tolerant in their religious addresses and activities.

74. Saudi Arabia reported that article 61 of the Labour Law prohibited slavery and the withholding of salary, and also provided that workers be treated with dignity and respect, including with regard to their religion. Article 6 of the Law to combat information technology crimes provided for a penalty of a maximum of five years' imprisonment or a fine of 3 million riyals for the use of social media and/or technology to incite people or insult the system/establishment in Saudi Arabia, religious values, morals or private life.

75. The Kingdom was developing an educational curriculum to enshrine the values of Islam and tolerance of others, as well as combating radicalism with respect to religion and branches of religion. It aimed to deepen dialogue on religious and cultural issues. The King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue was established in 2011 in Vienna, and an Extraordinary Summit of the Organization of Islamic Cooperation took place in Mecca from 14 to 15 August 2012 on the subject of Islamic principles and combating radicalism, under the auspices of the King of Saudi Arabia.

Slovakia

76. Article 24 of the Constitution of Slovakia guaranteed all citizens freedom of thought, conscience, religion and belief. It also guaranteed churches and religious societies an autonomous position independent of the Slovakian State authorities. Slovakia stated that incitement to violence on the basis of religion was criminalized under the Criminal Code.

77. Slovakia had adopted legislative measures to prevent expressions of hatred, intolerance and discrimination in such debates in the media. On-demand audiovisual media services and programme services must not in the manner of their presentation and content infringe the human dignity and the fundamental rights and freedoms of others, nor promote violence and overtly or covertly incite hatred, denigrate or defame on the basis of gender, race, colour, language, faith or religion, political or other opinion, national or social origin or membership in a nationality or ethnic group.

78. The Ministry of Culture had instituted a grant programme focused on the promotion of cultural rights of people endangered by poverty and social exclusion; the principle of equal treatment; gender equality; and the promotion of intercultural dialogue, non-discrimination, tolerance and the elimination of all forms of violence.

Spain

79. Spain recalled the provisions of its Constitution and other relevant legislation that protected the right to freedom of ideology and religion, including article16, paragraph 1, of the Constitution and article 14 on the right to equality and non-discrimination. The fundamental right to religious liberty was developed in Law 7/1980 on Religious Freedom. Relevant provisions in the Criminal Code relating to crimes committed on discriminatory grounds included the offence of incitement to hatred, violence or discrimination (art. 510); conspiracy to promote or incite hatred, violence or discrimination (art. 515.5); offences against freedom of conscience and religious feelings, or impeding or forcing specifically the practice of religious acts (art. 522); prevention or disruption of the acts of religious faiths (art. 523); acts of desecration in places of worship (art. 524); or violation or desecration of graves or corpses (art. 526). Article 22.4 provided for a generic aggravating circumstance if any offence is committed on grounds relating, inter alia, to the religion or belief of the victim.

80. Other relevant legal provisions guaranteeing freedom of religion included Organic Law 4/2000 on the Rights and Freedoms of Aliens in Spain and their Social Integration (Aliens Law), which had a section on anti-discriminatory measures. The Organic Law on Education emphasized that special attention should be paid to respecting diversity as a fundamental principle (art. 4). The Law on Political Parties established that a party would be declared illegal if its activity infringed democratic principles, including by promoting persecution against people on the basis of ideology, religion, belief, nationality or race (art. 9).

81. Spain also outlined further institutional arrangements, policies and measures to combat intolerance on the basis of religion or belief, including the Advisory Commission on Religious Freedom, which was founded in 1981. A sub-branch had been established within the Directorate General for International Legal Cooperation and Relations of the Ministry of Justice to deal with relations with confessions.

Switzerland

82. Switzerland reported that the Federal Constitution guaranteed to all persons residing in Switzerland freedom of conscience and belief, and that the practice of religion, its transmission to others and freedom to join at any time any religious community or withdraw from it, were guaranteed as fundamental rights. Everyone was free, in compliance with the Civil Code, to create a religious community, provided that it was a private association with legal personality (art. 23).

83. There were also measures to promote a domestic climate of religious tolerance, peace and respect. Switzerland stated that the cantons had, especially in the field of education, carried out projects with two umbrella Jewish organizations — the Swiss Federation of Jewish Communities (SIG) and the Platform of Liberal Jews in Switzerland (PJLS). Between 2001 and 2012, the Department for the Fight against Racism (SLR) had supported 58 projects to raise awareness about anti-Semitism and Holocaust denial.

84. In November 2009, the initiative Against the construction of minarets was approved by voters (57.5 per cent in favour and 42.5 per cent against). It reported that the vote was at the forefront of the question of relations between the majority society and religious minorities. A new paragraph under article 72 of the Federal Constitution (BV) had reintroduced a provision at the federal level for the first time since the repeal of the article in 2001. In that context, federal authorities had launched, in 2009, a dialogue with the Muslim population in order to fight against fear and stigma surrounding Islam and to discuss issues of integration.

85. Since 2006, various federal councillors had held regular exchanges with the Swiss Council of Religions (le Conseil suisse des religions (SCR)), a platform which brought together representatives of the three Abrahamic religious communities. Similarly, interreligious dialogue was taking place between Jewish and Christian communities and Muslim associations.

86. Switzerland stated that it was convinced that existing international provisions were sufficient to effectively fight against incitement to racial hatred.

Ukraine

87. Ukraine reported that active cooperation between State authorities and religious organizations, as well as interconfessional associations was well developed. Collaborative networks to build mutual understanding, promote dialogue and inspire constructive joint action towards shared values had been established.

88. As of October 2012, the Commission for the Realization of Rights of Religious Organizations (under the Cabinet of Ministers) had been revived. The Commission was a temporary advisory and consultative body that focused on the coordination of State authorities in the sphere of religious organizations, their rights and formulation of proposals on State policy towards religious tolerance, peace and mutual respect.

89. On 26 March 2013, the All-Ukrainian Council of Churches and Religious Organizations had declared its official statement to the Government and Parliament with respect to the draft law on Introduction of Amendments to Some Legislative Acts for Prevention and Combating Discrimination in Ukraine, protecting the freedom of conscience and freedom of expression, wherein the position of Ukrainian Church leaders had been taken into account.

90. Ukraine stated that, further to the general rules of the State, the conduct of public functionaries was determined as follows: "a State servant must be tolerant and shall respect

different religious organizations and national traditions without demonstrating his own religious preferences".

91. Ukraine reported that the commission of the acts enumerated in article 161 of the Criminal Code ("violation of citizens equality on the grounds of their race, nationality or religion") was considered as an aggravating circumstance and gave rise to more severe penalties.

United Kingdom of Great Britain and Northern Ireland

92. The United Kingdom of Great Britain and Northern Ireland indicated that 1,621 religious hate crimes had been reported to the police in 2011-12, which comprised 4 per cent of the total reported hate crimes. It explained that the general underreporting of hate crime was partly due to reluctance to go to the police directly. It also reported that 566 religiously aggravated offences were prosecuted in 2010-11, of which 472 (83 per cent) resulted in successful outcomes. That constituted a 94.2 per cent increase in convictions compared to the previous year.

93. Religiously aggravated offences were defined in the Crime and Disorder Act 1998. Section 145 of the Criminal Justice Act 2003 placed a general duty on courts to treat more seriously any offence that could be shown to be racially or religiously aggravated or motivated. Under the Racial and Religious Hatred Act 2006, an offence was committed where a person used threatening words or behaviour in order to stir up religious hatred.

94. In 2012, the Government had published its hate crime strategy, Challenge it, Report it, Stop it, aimed at reducing the harm caused by hate crime, including religiously motivated hate crime, and at improving published data. The Government was currently reviewing the progress on the recommendations and expected to publish the results in 2014. Implementation of the strategy had included: the development and publication of guidance for police and prosecutors on handling hate crime cases; the inclusion of hate crime data, including religion, within the National Crime Statistics; and offering financial and other support to a range of civil society organizations to act as links between victims and the police. The police had developed a web facility called True Vision (www.report-it.org.uk), which provided information to victims of crime and professionals, and allowed victims and advocates to report hate crimes directly to the police through an online reporting facility.

95. The United Kingdom indicated wider Government actions aimed at tackling religious hatred, including guidance to help newspaper editors tackle online hatred; supporting the Anne Frank Trust; funding the Holocaust Memorial Day; and establishing cross-Government working groups on anti-Semitism and anti-Muslim hatred to further explore what could be done.

96. The United Kingdom stated that it welcomed self-reporting by all States on all forms of religious intolerance, as an important way of building trust, and that it was important that State reporting be credible and comprehensive. It also stated that, given that States had the ultimate responsibility to protect and promote human rights, it believed that it was important that reporting on religious intolerance be a State-led process. The action plan set out in Human Rights Council resolution 16/18 highlighted a number of important areas for all States to work on.

United States of America

97. The United States of America reported that the First Amendment to the United States Constitution, applicable to state and local governments under the Fourteenth

Amendment of the Constitution, provided that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech. Freedom of thought and conscience was protected by the guarantee of freedom of speech and opinion. Federal Government action that substantially burdened religious exercise could be invalidated by the judiciary, unless the action was the least restrictive means of furthering a compelling governmental interest.

98. It added that federal law prohibited discrimination on the basis of religion in education, employment, housing, public accommodations and access to public facilities (Civil Rights Act 1964), and that the Civil Rights Division of the Department of Justice enforced those statutes, including through a Special Counsel for Religious Discrimination. The Equal Employment Opportunity Commission investigated allegations of religious discrimination in employment.

99. The Community Relations Service of the Department of Justice was available to state, local and tribal jurisdictions to help prevent and resolve racial and ethnic conflict and employ strategies to prevent and respond to alleged violent hate crimes committed on the basis of actual or perceived race, colour, national origin, gender, gender identity, sexual orientation, religion or disability. The Service had developed a set of "best practices" to assist localities in preventing hate crimes and restoring harmony in communities.

100. The President of the United States and other officials had embraced their role in speaking out against intolerance. Civil society leaders, including religious leaders, regularly spoke out against intolerance. Various efforts had been made to promote interfaith dialogue and unity in the United States.

101. A new Office of Faith-based Community Initiatives had been created in the State Department. The State Department and the White House co-chaired a Working Group on Religion and Foreign Policy, which included a Subgroup on International Religious Freedom, Stability and Democracy, through which it engaged national and foreign civil society representatives to advance religious freedom and foster mutual respect for diversity.

III. Conclusion

102. **Based on the information provided by States on the efforts and measures taken by them for the implementation of the action plan outlined in paragraphs 6 and 7 of Human Rights Council resolution 22/31, the steps taken by States are largely policy-oriented or legal in nature, with many of them enshrining protection against discrimination on the basis of religion or belief in national constitutions, criminal codes and other civil laws. Advocacy of incitement to hatred is for the most part criminalized and often prohibited on several grounds, including religion or belief.**

103. **Some States noted the importance of speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, and indicated that their political and religious leadership, often at the very highest level, had done and continued to do so. It was also noted that freedom of expression and opinion was important to countering religious intolerance, including hate speech.**

104. **Several States noted the importance of tackling extremism and certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Extremism and radicalization, often leading to hate crimes and violence, were being addressed through social cohesion and integration programmes, police and security responses, often coupled**

with regular engagement and interaction with grassroots communities and young people, as well as data gathering and monitoring.

105. Almost all of the States that responded provide for a channel or some form of communication and consultation between religious groups and communities and government authorities. Numerous practical examples were forwarded about communication bodies and/or forums between State institutions and religious groups or communities, with regard to policing and security matters, or as general forums of exchange.

106. Intolerance, stigmatization, negative stereotyping and discrimination, in particular, are addressed through public information and media campaigns and awareness-raising and educational measures. States are also funding local and national projects aimed at capacity-building, social cohesion, interfaith dialogue and the activities of religious groups and communities.

107. Most States reported that generally there was religious freedom and pluralism domestically and that members of religious groups and communities were able to manifest their religion and contribute openly and on an equal footing in society. Such religious freedom is often guaranteed by constitutional regimes and laws, so long as it is in accordance with domestic law. Several responses referred to the domestic legal frameworks providing for the practice of religion and the status, functioning and management of religious communities and associations.

108. A few of the responses expressed views on potential follow-up measures for further improvement of the implementation of the action plan outlined in paragraphs 6 and 7 of the resolution.

109. It was noted that Human Rights Council resolution 22/31 was a step in the process. Views were expressed that, while some work had been undertaken by the international community, through the Istanbul Process and OHCHR, to strengthen the plan, the issue of freedom of religion and belief and incitement to hatred required further collaboration by and attention from the international community, particularly through the adoption of measures to establish a normative standard, including possibly by criminalizing incitement to violence based on religion or belief. Views were also expressed that, as the issues concerning freedom of religion and belief are transboundary, collective and cooperative action by countries and with relevant stakeholders, including OHCHR, is required.

110. Concern was expressed about religiously motivated violence and intolerance and restrictions on religious freedom around the world. The solution lies in action at the national level, particularly to protect the rights of religious groups and minorities, as well as through international cooperation. Credible and comprehensive reporting by all States on all forms of religious intolerance, especially in view of Council resolution 16/18, was noted as very important, and reporting on religious intolerance was considered a State-led process. It was recalled that people, not belief systems, were the subjects of human rights and that in combating intolerance, the High Commissioner for Human Rights should support the implementation of freedom of opinion and expression, as well as freedom of religion and belief.